UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,477	09/15/2003	Peter Dam Nielsen	857.0017.U1(US)	2898

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EXAMINER
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ART UNIT	PAPER NUMBER
2165	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/663,477	NIELSEN ET AL.
	Examiner	**Art Unit**	
	Mark A. X Radtke	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 February 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21,23 and 24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21,23 and 24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2

February 2007 has been entered.

Remarks

2.   In response to communications filed on 2 February 2007, claim(s) 22 and 25

is/are cancelled and claim(s) 15, 19-20 and 23 is/are amended per Applicant's request.

Therefore, claims 1-21 and 23-24 are presently pending in the application, of which,

claim(s) 1, 15, 18-20 and 23 is/are presented in independent form.

3.   In light of Applicant's amendments, the rejection of claims 20, 22-23 and 25

under 35 U.S.C. 101 has been withdrawn.

Claim Objections

4.   Claims 21 and 24 are objected to under 37 CFR 1.75(c), as being of improper

dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s)

in proper dependent form, or rewrite the claim(s) in independent form. All computer

readable media are "physical entities". If the inventions of claims 20 and 23 were not

embodied on physical entities, they would not be tangible and thus would be non-

statutory.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-9, 12-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Apfel (U.S. Pat. No. 6,973,299) in view of McIntyre (U.S. Pat. No.

7,111,317).

        As to claim 1, Apfel teaches an electronic device (see figure 3) comprising:

        a user input device (see figure 3);

memory means storing computer program instructions (see figure 3); and

a processor operable under the control of the computer program instructions to

provide a database application (see figure 2, mobile phone 260), wherein the database

application is arranged to enable a user to access personal data organized as a plurality

of entries in a database (see column 3, line 10), where each of the plurality of entries is

associated with a different person and has one or more alphanumeric text fields and an

image field and using the captured image as an image field of an entry of the database

(see column 5, lines 53-56).

Apfel does not explicitly teach

a digital camera; and

a camera control application arranged to enable the user to control the device

using the user input device to capture an image via the digital camera and to present a

user selectable option, on capturing an image, for entering the database application.

McIntyre teaches an electronic device (see Abstract) comprising:

a digital camera (see column 3, line 38, "image capture device"); and

a camera control application arranged to enable the user to control the device

using the user input device to capture an image via the digital camera and to present a

user selectable option, on capturing an image, for entering the database application

(see columns 12-13, spanning paragraph, particularly column 12, lines 61-62, "after

taking a picture").

Therefore, it would have been obvious to one of ordinary skill in the relevant art

at the time the invention was made to have modified Apfel by the teaching of McIntyre

because "[f]orms of communication for the one or more contacts include [...] multimedia message service (MMS)" (see Apfel, column 3, lines 52-55) and MMS messages are a well-known feature in camera phones. Furthermore, McIntyre anticipates the use of cellular phones at line 17 of column 22.

As to claims 2 and 17, Apfel, as modified, teaches wherein the camera control application is arranged to immediately present a plurality of user-selectable options on capturing an image including an option for using the captured image as an image field of an entry of the database (see McIntyre, column 12, lines 61-62, "The message can be selected by the camera user after taking a picture" implies that there is a plurality of messages that can be selected).

As to claim 3, Apfel, as modified, teaches wherein the camera control application is arranged to transfer the captured image from storage in a first memory to permanent storage in the database (This limitation is inherent in any computer system. Data is stored in "fast" memory while being used by the processor (either RAM or, broadly, internal registers in the CPU) and moved to "slow" memory for permanent storage. See column 10, lines 45-50).

As to claim 4, Apfel, as modified, teaches wherein the camera control application is arranged to control the creation of a new entry in the database (see column 3, line 16, "as new information becomes available").

As to claim 5, Apfel, as modified, teaches wherein the camera control application is arranged to control the amendment of an existing entry in the database (see column 3, line 20, "update processing").

As to claim 6, Apfel, as modified, teaches wherein the user input device enables a user to selectively use either the database application or the camera control application (See column 8, lines 41-62. Apfel anticipates various software applications executing on the phone).

As to claim 7, Apfel, as modified, teaches wherein the user input device is the keypad of a mobile telephone (see figure 3 and see column 8, lines 26-40 and see Abstract).

As to claim 8, Apfel, as modified, teaches wherein the database application functions as at least a telephone book (see column 5, lines 35-36, "mobile phone number").

As to claim 9, Apfel, as modified, teaches wherein each one of the plurality of database entries has at least one alphanumeric text field for storing a telephone number (see column 5, lines 35-36, "mobile phone number").

As to claim 12, Apfel, as modified, teaches wherein the processor is operable under the control of computer program instructions to provide an image viewing application, wherein selection of a first one of the plurality of user selectable options, makes the captured image accessible, via the database application, as an image field of a database entry (see Examiner's comments regarding claims 1 and 2) and wherein selection of a second one of the plurality of user selectable options makes the captured image available via the image viewing application (see McIntyre, column 8, lines 25-29).

As to claim 13, Apfel, as modified, teaches further comprising a temporary memory for temporarily storing a captured image (see Examiner's comments regarding claim 3 and see column 11, line 45, "RAM").

As to claim 14, Apfel, as modified, teaches wherein the processor is operable under the control of computer program instructions to provide an image viewing application, and the camera control application is arranged to transfer the captured image from temporary storage in the temporary memory to permanent storage accessible by the viewing application (see Examiner's comments regarding claims 12 and 13).

As to claim 15, Apfel teaches a method of modifying a database that organizes personal data as a plurality of entries where each of the plurality of entries is associated

with a different person and has one or more alphanumeric text fields and an image field (see Abstract), comprising:

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

As to claim 16, Apfel, as modified, teaches wherein the first application, on capturing an image, immediately enables a user to assign the captured image to an image field of a database entry (see Examiner's comments regarding claim 1).

As to claim 18, Apfel, as modified, teaches an electronic device (see Abstract) comprising:

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

As to claim 19, Apfel, as modified, teaches a method of modifying a database that organizes personal data as a plurality of entries where each of the plurality of entries is associated with a different person and has one or more alphanumeric text fields and an image field (see Abstract), comprising:

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

As to claim 20, <u>Apfel</u>, as modified, teaches a computer program embodied in a computer readable medium (see Abstract) comprising:

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

As to claims 21 and 24, <u>Apfel</u>, as modified, teaches a physical entity embodying the computer program as claimed in claims 20 and 23, respectively (see Abstract).

As to claim 23, <u>Apfel</u>, as modified, teaches a computer program embodied in a computer readable medium (see Abstract) comprising:

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

7.   Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Apfel</u> as applied to claims 9 and 1 above, respectively, and further in view of <u>Morita</u> (U.S. Pat. No. 6,766,018).

As to claim 10, <u>Apfel</u>, as modified, still does not teach operating as a telephone, further comprising a display, wherein the processor is responsive to an incoming call to display an image from the image field of a database entry that has an alphanumeric text field corresponding to the telephone number originating the incoming call.

Morita teaches operating as a telephone, further comprising a display, wherein the processor is responsive to an incoming call to display an image from the image field of a database entry that has an alphanumeric text field corresponding to the telephone number originating the incoming call (see column 1, lines 38-40).

Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time the invention was made to have further modified Apfel by the teaching of Morita because "It should be noted however, that as mobile phones become more sophisticated, they are beginning to incorporate many of the components illustrated for conventional computer 620. Accordingly, with relatively minor adjustments, mostly with respect to input/output devices, the description of conventional computer 620 applies equally to mobile phones" (see Apfel, column 11, lines 35-41).

As to claim 11, Apfel, as modified, still does not teach wherein an entry of the database can be selected by a user by scrolling the image fields of the database.

Morita teaches wherein an entry of the database can be selected by a user by scrolling the image fields of the database (see column 1, lines 35-37).

Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time the invention was made to have further modified Apfel by the teaching of Morita because "It should be noted however, that as mobile phones become more sophisticated, they are beginning to incorporate many of the components illustrated for conventional computer 620. Accordingly, with relatively minor adjustments, mostly with

respect to input/output devices, the description of conventional computer 620 applies

equally to mobile phones" (see Apfel, column 11, lines 35-41).

Response to Arguments

8.   Applicant's arguments filed on 2 February 2007 with respect to the rejected

claims in view of the cited references have been fully considered but are moot in view of

the new grounds for rejection.

Additional References

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

    The following patents are cited to further show the state of art with respect to

smart phone software in general:

Doc. No.	Assigned to
US 5414444 A	Britz; David M.
US D405457 S	Kawashima; Shosaku
US 5073927 A	Grube; Gary W.
US 6427078 B1	Wilska; Kari-Pekka et al.
US 6084951 A	Smith; Colin Donald et al.
US 5889852 A	Rosecrans; Michael W. et al.

LG VX6000 Manual

Conclusion

10.   Any inquiry concerning this communication or earlier communications should be

directed to the examiner, Mark A. Radtke. The examiner's telephone number is (571)

272-7163, and the examiner can normally be reached between 9 AM and 5 PM,

Monday through Friday.

    If attempts to contact the examiner are unsuccessful, the examiner's supervisor,

Jeffrey Gaffin, can be reached at (571) 272-4146.

    Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to Customer Service at (800) 786-9199.

maxr
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29 May 2007

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
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